

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEREMY and SHELLEY WILLIAMS, Individually)
and o/b/o JOHN DOE, a minor,)

Plaintiffs,)

v.)

SUMNER COUNTY BOARD OF EDUCATION)
and DONNA WEIDENBENNER Individually and)
in her official capacity as Special Needs Teacher)
of Station Camp Elementary School,)

Defendants.)

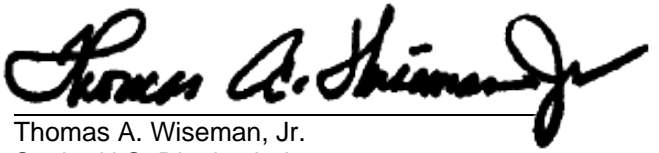
Civil Action No. 3:09-cv-1012

Judge Thomas A. Wiseman, Jr.
Magistrate Judge Juliet E. Griffin

ORDER

Before the Court is defendant Sumner County Board of Education's Motion for Attorney Fees and Taxable Costs (Doc. No. 67), filed after Plaintiffs voluntarily elected to dismiss without prejudice the claims remaining in this case after the Court granted in part and denied in part defendants' motions to dismiss. The Board asserts that, as the prevailing party, it is entitled to attorneys' fees pursuant to both 42 U.S.C. § 1988 and 29 U.S.C. § 792a(b), under the standard enunciated by the Supreme Court in *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978). Specifically, the Board asserts that Plaintiffs' claims were "unreasonable, frivolous, meritless, or vexatious." (Doc. No. 68, at 4 (quoting *Christiansburg*, 434 U.S. at 421).) The Court finds that the Board is not entitled to attorneys' fees under this standard, as it was not clear from the outset that all of Plaintiffs' claims were utterly without foundation. The motion (Doc. No. 67) is therefore **DENIED**.

It is so **ORDERED**.


Thomas A. Wiseman, Jr.
Senior U.S. District Judge

